



Town of Cummington
33 Main Street
P.O. Box 128
Cummington, MA 01026
tel (413) 634-5354 • fax (413) 634-5568

Special Permit/Variance - Decision/Record

The members of the Cummington Zoning Board of Appeals hereby certify that the following is a record of all the board's proceedings pertaining to the application of Adam Higgins, 428 Cummington Road, Ashfield, MA for a special permit (if necessary) to operate a portable bandsaw; and a variance from the dimensional setback requirements of the zoning bylaw, to allow for its placement in the setback area. The subject property is located on the west side of Bush Road immediately adjacent to the Plainfield town line, Assessor's map 2, lot 57.

The application to the board was received by the Town Clerk on 09/02/21. The application is attached as Exhibit 1, and made part of this record.

A notice of the public hearing on this special permit/variance, a true copy of which is attached as Exhibit 2, and made part of this record, was:

1. published in the Country Journal, a newspaper of general circulation in Cummington, on September 30 & October 7, 2021, Exhibits 3 & 4 respectively, and;
2. posted on the bulletin boards of the Community House, Post Office, The Old Creamery Grocery, and the town's website more than 14 days before the hearing on October 20, 2021 and;
3. mailed on or before September 30, 2021, postage prepaid, to the applicant, abutters to the property in question, owners of land directly opposite from the property in question on any private or public way, and abutters to abutters whose property is located within 300 feet of the property line of the property in question. The notice was mailed to the names of persons, and to the addresses as provided by the most recent tax list kept by the Board of Assessors in both Cummington and Plainfield, with the Assessors certifying such names and addresses, and attached as Exhibits 5 & 6, and made part of this record, and;
4. mailed to the Planning Boards of Ashfield, Chesterfield, Goshen, Plainfield, Peru, Windsor, and Worthington.

The public hearing of this special permit application was held on October 20, 2021 at the Community House at 7:00 PM, at which time opportunity was given to all those interested to be heard in favor of, or opposition to, issuance of said special permit and/or variance. The following members of the board were present: Carla Ness, Chair; Michael Holden, Clerk; Kenneth Howes, Ernest Strong, Eric Smith, Members; and, Geoff Kenseth and William Hoene, Alternate Members.

A true copy of the minutes of the hearing is attached as Exhibit 7, and made part of this record.

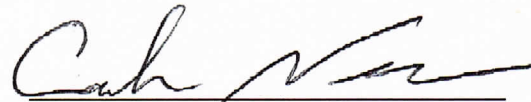
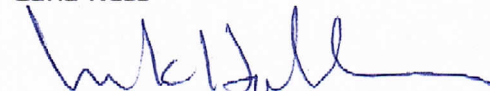
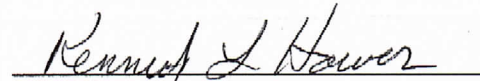
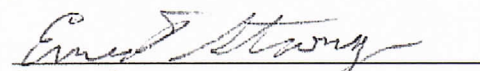
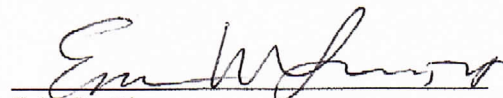
After the public hearing was closed and deliberations commenced, the following motion was made and seconded:

It is moved that a variance from the setback requirement be granted to the property owned by Crystal Higgins, and described in Hampshire County Registry of Deeds, book 13604, page 200, with the following conditions:

- 1. A 20' x 36' structure may be constructed for the use and protection of a portable band-saw, associated tools and/or machinery, and lumber materials.**
- 2. It shall be located as represented through statements and drawings presented at the hearing.**
- 3. It shall be a minimum of 100' from the brook that is on the other side of Bush Road.**
- 4. The band-saw is for non-commercial use only and shall not be used for any business purposes.**
- 5. The use of the structure shall not be changed to any other use, i.e. it shall not be converted into a garage, storage area, etc.**
- 6. The structure shall not be enlarged.**
- 7. The property must be brought into, and kept in, compliance with all requirements of the zoning bylaw (i.e. one unregistered vehicle, etc.) before construction may begin.**
- 8. Any future structures built on the property must comply with all of the requirements of the zoning bylaw, including the setback requirement.**

The motion was unanimously approved by the five voting members, Ness, Holden, Howes, Strong, and Smith.

Zoning Board of Appeals


Carla Ness
Michael Holden
Kenneth Howes
Ernest Strong
Eric Smith



Town of Cummington

33 Main Street

P.O. Box 128

Cummington, MA 01026

(413) 634-5354 • Fax (413) 634-5568

Zoning Board of Appeals

Application for Special Permit, Variance, or Appeal

Name of Applicant: Adam Higgins

Applicant's Mailing Address: 428 Cummington Rd
Ashfield ma. 01330

Location of Property: 0 Bush Rd
(Street number and name, and Assessors' Map and Lot numbers)

Applicant is owner. (Owner; tenant; licensee; prospective buyer, tenant; etc.)

Applicable section(s) of the Zoning By-law: 3-30, 3-40

(It is very important that you cite all applicable sections of the Zoning By-law from which you are seeking relief. At the hearing the ZBA can only decide on matters that were included in the published/posted Public Notice of the hearing. The reasoning being that the public has the right to offer input on any given matter and be present at the hearing, but if they weren't accurately informed as to the nature of the hearing, how could they know whether or not to participate?)

Date of denial or Notice of Violation (if applicable) by the Building Inspector, Planning Board, etc. _____ (Please include a photocopy of denial or Notice of Violation.)

Please describe the nature of your request: (If necessary, use the back of this page, or attach a page to it.)

I am applying for a variance to build a building for my portable Band mill. The reason I feel I need

I request a hearing before the Zoning Board of Appeals in regard to the matter stated above.

Applicant's Signature: _____ Date: 9/1/21

ZBA Chair or Clerk's Signature: _____ Date: 9-1-21

Received from Applicant, the amount of **\$100.00** to apply toward advertising costs and expenses.

Town Clerk's Signature: Brenda A Emerson Date: 9/2/21
The Town Clerk cannot accept this application until after the ZBA Chair or Clerk has signed in the box above.

A Variance is because due to the nature of the terrain and placement of my existing Driveway. I have no other option but to place this Building 5 feet from the property line with The Southboro Coon Club. I have contacted them and they will not contest my plans. The area where I plan to build is the only place on my property that is not Ledge or extremely steep. This Band mill is portable and for my own personal use only.

9/1/21

In Addition to the Variance I have requested I am also requesting a special permit to house and operate a portable band mill which I already own.



MuniMapper: Cummington, MA

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Town of Cummington

33 Main Street

P.O. Box 128

Cummington, MA 01026

(413) 634-5354 • Fax (413) 634-5568

Zoning Board of Appeals Public Hearing Notice

In accordance with the provisions of M.G.L. Ch. 40A, § 11, the Cummington Zoning Board of Appeals will hold a public hearing at the Community House, 33 Main Street, on **Wednesday, October 20, 2021**, starting at **7:00 PM**, to consider the application of Adam Higgins, 428 Cummington Road, Ashfield, MA for a special permit (if necessary) to operate a portable bandsaw; and a variance from the dimensional setback requirements of the zoning bylaw, to allow for its placement in the setback area. The subject property is located on the west side of Bush Road immediately adjacent to the Plainfield town line, Assessor's map 2, lot 57.

A copy of this application is available on the Select Board's table in the Community House, and on the town's website "cummington-ma.gov".

Any person interested or wishing to be heard on these matters should appear at the above-designated time and place.

Appropriate distancing and masks will be requested of all attendees.

Michael Holden, Clerk
Cummington Zoning Board of Appeals

OBITUARIES

Patricia Adams Paschal

MIDDLEFIELD – Patricia Adams Paschal, 78, of Middlefield, passed away Tuesday, Sept.21, 2021, at Berkshire Medical Center.

Pat was born in Watchung, New Jersey, on Aug. 8, 1943, the daughter of Raymond and Mary Leurssen Adams.

For many years, Pat was a school bus driver for Dufour Incorporated. She had also worked for George Gary as a school bus driver, and prior to that, was a licensed practical nurse at the former Ashmere Manor Nursing Home.

Pat was also a member of the Middlefield Fire Department Ladies Auxiliary, and served as director on the Middlefield Fair Committee for many years.

Her beloved husband, William Lee Paschal, passed away April 25, 2012.

Pat is survived by a daughter, Michele, and her husband, Robert Dewkett, of Peru; a son, Dustin, and his wife, Jaime Paschal, of Easthampton; a sister, Suzanne



Adams, of Stewardsville, New Jersey; a brother, Raymond Adams, of Landrum, South Carolina; three grandchildren, Cody Paschal, Colin Paschal and Tylor Paschal, her beloved Australian Shepard Kiss, her kitty Reba and many nieces and nephews and dear friends.

She was pre-deceased by a grandson, Jonathon R. Dewkett; and two sisters, Barbara Graziano and Mary Ellen Biddulph.

A Celebration of Life for Pat will be held on Oct. 9, at the Middlefield Fair Grounds starting at 1 p.m. There will be food and drinks provided, and anyone wishing to tell a “Pat Story” is welcome to do so.

In lieu of flowers, contributions in memory of Pat may be made payable to the Highland Agricultural Society or to the Middlefield Fire Department and mailed to Dery-Foley Funeral Home, 890 East Main St., Dalton.

DEATH NOTICES

ADAMS PASCHAL, PATRICIA

Died: Sept. 21, 2021
Celebration of Life: Oct. 9, 1 p.m.
Middlefield Fair Grounds

PUBLIC NOTICES

Cummington ZBA Hearing
Public Notice

In accordance with the provisions of M.G.L. Ch. 40A, § 11, the Cummington Zoning Board of Appeals will hold a public hearing at the Community House, 33 Main Street, on **Wednesday, October 20, 2021, starting at 7:00 PM**, to consider the application of Adam Higgins, 428 Cummington Road, Ashfield, MA for a special permit (if necessary) to operate a portable bandsaw; and a variance from the dimensional setback requirements of the zoning bylaw, to allow for its placement in the setback area. The subject property is located on the west side of

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Michael Holden, Clerk
Cummington Zoning Board of Appeals
09/30, 10/07/2021

WESTHAMPTON

ART WALK SHOWS OFF CREATIVITY



The Westhampton Public Library held its Art Walk last weekend, offering visitors different arts to appreciate, including textile crafts. Left, Anna Cleary puts her personal touches to the Westhampton Loom that residents contributed to making during the library's Art Walk. Right, Connie Dragon with the memory quilt she made on Zoom last winter, an activity put on by Covia Connections in California.

Fall Festival canceled

WESTHAMPTON – The Westhampton Fall Festival originally scheduled for Sunday, Oct. 17, on the Westhampton Library lawn has been

canceled this year. The Friends of the Westhampton Public Library and the Westhampton PTO, who cosponsor the event, hope to hold the festival next year.

Country Journal
OBITUARY
POLICY

Turley Publications offers two types of obituaries.

One is a free, brief **Death Notice** listing the name of deceased, date of death and funeral date and place.

The other is a **Paid Obituary**, costing \$100, which allows families to publish extended death notice information of their own choice and may include a photograph. **Death Notices & Paid Obituaries** should be submitted through a funeral home to: obits@turley.com.

Exceptions will be made only when the family provides a death certificate and must be pre-paid.

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Public notice deadlines are Mondays at noon,
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OBITUARIES

Mildred Roush Crane

WESTFIELD – Mildred Roush Crane, 102, passed away peacefully on Sunday, Oct. 3, 2021, with her son, Jim, holding her hand.

Millie was born on Feb. 28, 1919, during the 1918 Flu Epidemic, in Huron, South Dakota, the second child of Lowell N. Roush and Mary Edna (McPhillips) Roush. She grew up there, graduated from Huron High School and later earned her RN at St Cloud Hospital School of Nursing in 1942. She moved to Washington, D.C., and earned a bachelor of science degree in nursing education at Catholic University. It was there that she met and married her husband of 59 years, Thomas J. Crane, of Springfield.

Millie worked at Mercy Hospital in Springfield until she started her family and later taught elementary school in Coventry, Connecticut, and then in Westfield, retiring in 1980. Millie was a woman of faith and loved seeing her five children grow. Millie was smart, resilient, hard working and caring.

She was predeceased by her husband, Tom, her son, Michael, her parents, her brothers, Bob and John,



and her sister, Mary Jane. She is survived by her children, Kathleen Weber, and her husband, Fran, of Manchester, New Hampshire; Carolyn Crane and her spouse, Eileen Fernandes, of Keene, New Hampshire; Jim Crane, and John Crane, and his wife, Michele, of Blandford, and daughter-in-law, Marsha Lawton. She leaves her grandchildren, Emma Allen, and her husband, Brian, Jessie Lawton-Crane, her husband, Seung Lee, and their children, Calder and Chloe, Trista Weber, Meghan Crane and Nathan Crane. She also leaves many nieces and nephews.

Our family would like to thank the staff at Genesis Westfield Center for their care and concern for our Mom over the six years that she spent there.

Services for Millie are private. Firtion-Adams Funeral Home, of Westfield, is handling all arrangements.

In lieu of flowers, donations may be made to St Vincent de Paul Society of St Mary’s Church, 30 Bartlett St., Westfield, MA 01085.

DEATH NOTICES

FISK, BRADFORD PORTER
Died: July 30, 2021
Postponed: Memorial Celebration

ROUSH CRANE, MILDRED
Died: Oct. 3, 2021
Services are private

3 EASY WAYS TO REACH US

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Country Journal
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**Eileen Kennedy
Interim Editor
CJ10/1/21**

JOB OPENING: EDITOR

Award-winning, family-owned Turley Publications, based in Palmer, is seeking an energetic person to join them as editor of the Country Journal, a weekly community newspaper that covers 16 hilltowns.

The successful candidate will have strong community journalism skills and have telling a community's stories in their DNA. They must also successfully execute an array of tasks including managing a part-time staff writer, copy editing and guiding coverage. The editor is also expected to gather news and write stories for the paper as well as for other company-wide publications.

If you're a self-starter who enjoys community journalism, who considers it a calling, and who has a vision for growing and connecting with our valued readers, we encourage you to apply for this position.

Qualifications should include:

- Bachelor's degree or equivalent experience
- Willingness to mentor a staff writer and correspondents
- Own camera and photography experience preferred
- Editing experience and the ability to write clean copy in a fast-paced, deadline-driven environment
- Proficiency in Associated Press style
- Management experience and/or experience managing content for a print publication

Please tell us in a cover letter why you would be a good fit for our editor's position and send it along with a resume and three writing samples to Managing Editor Eileen Kennedy at ekennedy@turley.com.

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PUBLIC NOTICES

LEGAL NOTICE of PUBLIC MEETING WILLIAMSBURG CONSERVATION COMMISSION Williamsburg, MA

The Williamsburg Conservation Commission, in accordance with MGL Chapter 131, Section 40, the Wetlands Protection Act, will hold a public meeting on **Thursday, October 14, 2021 at 7:00 p.m.** at the Williamsburg town offices 141 Main St, Haydenville, MA to review a **Request for Determination of Applicability** submitted by Williamsburg Cemetery Association.

The subject area or activity is located at: 16 Village Hill, Williamsburg, MA. 10/07/2021

Cummington ZBA Hearing Public Notice

In accordance with the provisions of M.G.L. Ch. 40A, § 11, the Cummington Zoning Board of Appeals will hold a public hearing at the Community House, 33 Main Street, on **Wednesday,**

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A copy of this application is available on the Select Board's table in the Community House, and on the town's website "cummington-ma.gov".

Any person interested or wishing to be heard on these matters should appear at the above-designated time and place.

Appropriate distancing and masks will be requested of all attendees.

Michael Holden, Clerk
Cummington Zoning Board of Appeals
09/30, 10/07/2021

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TOWN OF CUMMINGTON

www.cummington-ma.gov

Board of Assessors

33 Main St, PO Box 74

Cummington, MA 01026

413-200-5010

boa@cummington-ma.gov

September 2, 2021

List of abutters for 0 Bush Rd, 002.0-0057-0000.0 - 300' buffer distance.

001.0-0009-0000.0 62 West Main St	Aaron Sherwood & Kiori Sherwood-Kawai 62 West Main St, Cummington, MA 01026
002.0-0029-0000.0 0 West Main St	Bruce Wood and Margaret Wood 59 Mendum St, Roslindale, MA 02131
002.0-0031-0000.0 31 Bush Rd	Southborough Coon Club, c/o Robert Cunningham 12 Pontiac Ave, Webster, MA 01570
002.0-0032-0000.0 29 Bush Rd	Kevin Higgins & Bobby Ann Higgins 29 Bush Rd, Cummington, MA 01026
002.0-0044-0000.0 0 Berkshire Trail	Commonwealth of Massachusetts Dept of Environmental Management 100 Cambridge St, Boston, MA 02204
002.0-0056-0000.0 0 Bush Rd	Southborough Coon Club, c/o Robert Cunningham 12 Pontiac Ave, Webster, MA 01570

Sincerely,

Joy Johns
Assessor Chair/Clerk

9/9/2021

PLAINFIELD
GIS - Abutters by Owner

Page 1 of 1

8:09:46AM

Parcel ID - Map/Block/Lot	Location	Owner/Mailing Address
025.0-0000-0002.2	WEST STREET	COMMONWEALTH OF MASS / DEPT OF ENVIRON 100 CAMBRIDGE ST BOSTON MA 02202
031.0-0000-0005.0	WEST STREET	COMMONWEALTH OF MASS / OFFICE OF REAL PRO 1 ASHBURTON PL BOSTON MA 02108
031.0-0000-0008.0	WEST STREET	HIGGINS CRYSTAL 428 CUMMINGTON RD ASHFIELD MA 01330
031.0-0000-0002.4	WEST STREET	MCSWEENEY 2021 REVOCABLE TRUST / MCSWEEN PO BOX 248 CHESTERFIELD MA 01012
031.0-0000-0007.0	WEST STREET	MCSWEENEY 2021 REVOCABLE TRUST / MCSWEEN PO BOX 248 CHESTERFIELD MA 01012
031.0-0000-0004.0	OFF WEST STREET	SHERWOOD, AARON G / KAWAI, KORI 77 CORNELL STREET, SUITE 212 KINGSTON NY 12401

Board of AssessorsHina M. Papuneau Assit. AssessorSept. 9, 2021



Town of Cummington

33 Main Street

P.O. Box 128

Cummington, MA 01026

(413) 634-5354 • Fax (413) 634-5568

Zoning Board of Appeals

Exhibit 7 - Minutes of the Higgins Hearing, October 20, 2021

The hearing was called to order at 7:05pm by Zoning Board of Appeals (ZBA) Chair, Carla Ness.

Additional ZBA members in attendance were Michael Holden, Kenneth Howes, Ernest Strong, Eric Smith, Members; and, Geoff Kenseth and William Hoene, Alternate Members.

The chair read the meeting notice that ran in the Country Journal on 09/30/21 and 10/07/21 as follows:

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Any person interested or wishing to be heard on these matters should appear at the above-designated time and place.

Appropriate distancing and masks will be requested of all attendees."

Also in attendance were, Adam Higgins, Applicant; Bill Dunbar from the Southborough Coon Club, abutter to the south; Jim McSweeny, abutter to the north; and Ted Shagory.

Adam explained that he was a forester and presently had a band-saw on the property for which he wished to build a structure over. Because the lot is both narrow and bisected by the Cummington/Plainfield town line, and; has a considerable

amount of ledge outcroppings, and; falls off sharply to the rear, he has very limited building site options. The prime site (which is presently occupied by an old school bus and RV, both of which are being used for storage) is where he hopes to build a home in the future. He does not presently live on the property. He further explained that sawyering was more of a hobby, and this would be for his personal use, not commercial or business use.

Bill Dunbar stated that he was a member of, and represented, the Southborough Coon Club, and that the membership had met and discussed the project and did not object to the requested variance. Although, some members did have mild concerns about water runoff (from the roof system of the proposed structure); and hours of operation.

Jim McSweeney stated that he was in attendance to learn the location of the proposed structure, and once it became clear that the site was along the southern boundary (and not the northern boundary - his property line) he voiced that he had no objections, and left the hearing.

Howes, speaking as a Select Board member, expressed concern about potential additional runoff compounding an already delicate situation with water on Bush Road (a dirt road). Ness questioned whether the wet area along the southern property line was an intermittent stream or just runoff from recent rains? Which brought to light that the Conservation Commission had not yet signed off on the build permit application.

The board did not want to impose conditions arbitrarily related to the concerns of the Coon Club, and suggested that the applicant and the club work those out to their mutual satisfaction.

Higgins was given the Conservation Commission Chairperson's name and phone number so that he could make contact for a viewing, suggestions, or determination.

The board also acknowledged that forestry activities are considered an agricultural use, therefore no special permit is required.

At approximately 7:40pm a motion was made and seconded: **"To continue the Hearing until November 10, 2021, 7pm at the Community House, to allow applicant time to meet with the Conservation Commission, and have further discussions with the Southborough Coon Club."**; and was approved unanimously by the five voting members, Ness, Holden, Howes, Strong, and Smith.

Continuance of Higgins Hearing

November 10, 2021

Carla Ness opened the hearing at 7:04pm. Others present were Kenneth Howes, Ernest Strong, Eric Smith, Geoff Kenseth, William Hoene, and Adam Higgins; attending via telephone was Michael Holden.

Holden stated that he had spoken with Sarah Fornier-Scanlon, Chairperson of the Cumington Conservation Commission, and that she had met with Adam and viewed the property. She said, "It does appear to be just runoff, not an intermittent or perennial stream. But the brook across the road has impact. He needs to be a minimum of 100' away, and where he is presently talking about building is within that zone, so it would have to get pushed back further."

Higgins said that he could meet the 100' requirement. He also explained that he had devised a plan using gutters, downspouts, and underground drainage pipe to direct the roof runoff to an existing culvert. Thereby eliminating any increase in

drainage issues for both, the abutting property and the road. He presented an email showing that the Coon Club approved of this solution.

The Public Hearing was closed at 7:32pm, and deliberations were begun. Questions regarding the frontage dimensions arose, but none of the drawings presented included that information. Higgins said that he believed the frontage in Cummington was 100' or more, and 50' or more in Plainfield, but he was not certain. The narrowness of the lot; the geology of the lot - abundance of ledge; and the topography - steep drop-off toward the rear; all present hurdles for a viable building location.

Holden proposed that by limiting the "use" of the structure to the bandsaw, it would have the defacto effect of limiting the time of its existence, without limiting Higgins use of it, and reassuring the town that at some point in the future the lot would be back in full compliance.

"I propose a preliminary motion that we grant a variance in principle, that limits the use to non-commercial; cannot be enlarged or have a change of use; and that the unregistered vehicles must be dealt with prior to construction. The actual language of the variance will be presented at a future meeting for discussion, modification and approval at that time." - Holden. Seconded - Strong.

Motion approved. Holden, Howes, Strong, and Smith in favor; Ness opposed.

Meeting closed 7:53pm

ZBA Meeting of November 23rd

Members present were Ness, Howes, Strong, Smith, Kenseth, and Hoene; and Holden via telephone. Also present were Crystal, Adam, and Nicolas Higgins, and Ted Shagory. Meeting called to order at 7:05pm.

The board discussed what had transpired since the close of the November 10th meeting.

On November 11th Ness reviewed the Assessor's property card for the site. It revealed that Walter Ison and Crystal Higgins were joint owners of the property. GIS maps from the Assessor's also showed that the lot had 110' of frontage in Cummington. This information raised new questions, and the ZBA scheduled another meeting to discuss these matters with the applicant.

All board members, and the applicant, were contacted and all were available to meet on November 23, 2021. Notice of the meeting was posted on 11/16/21, and was published on the town website as well. The public was invited.

After the meeting date was set, but prior to the meeting on the 23rd, Ness reviewed the deed and discovered that indeed, Crystal Higgins was the sole owner of the property and Walter Ison had sold it to her; and the sale was recorded on April 24, 2020. Therefore revealing that the property card had an inadvertent error. (Crystal and Adam Higgins are spouses.)

A further review of the GIS maps for Plainfield showed the lot had 65' of frontage in that town. Cummington GIS - 110' / Plainfield GIS 65' / Total 175' but the deed and plot plan both show the lot has 165.48' of road frontage in the two towns combined. There can be no accurate way of determining the actual frontage in each town because the true location of the town line is not delineated on the plot plan. Either one or the other, or both, of the GIS data is incorrect.

MGL Chap. 40A Sec. 6, does state that "Any increase in area, frontage, width, yard, or depth requirements of a zoning ordinance or bylaw shall not apply to a lot for single and two-family residential use which at the time of recording... conformed to

the then existing requirements... but had at least five thousand square feet of area and fifty feet of frontage." At the time the lot was created (January 1983) the requirement for a lot was one acre and 150' frontage. Because this lot included land in both Cummington and Plainfield, the planning boards of both towns had to sign-off on it. The planning board of Plainfield included a notation "Not a legal building lot in the town of Plainfield". The planning board of Cummington included no such notation because the lot had sufficient frontage, 165.48' vs the requisite 150', and therefore was an accepted building lot.

The board recognized that no part of any building may be situated on the portion of the lot that is located in Plainfield, thereby reducing the effective width of the lot to approximately 100'. By requiring a literal enforcement of the setback requirement on the location of the bandsaw structure, it would prevent a home from being sited in its most ideal location. The board also determined that by limiting the use of the structure to the requested use, the structure would eventually be removed and the lot would regain compliance with the bylaw. A balance of not creating a substantive hardship for the applicant by literal enforcement, and yet not derogating from the bylaw or harming the public good, was struck by writing a very narrowly defined variance.

The following motion was made and seconded, and then approved by a unanimous vote of the five voting members, Ness, Holden, Howes, Strong, and Smith:

It is moved that a variance from the setback requirement be granted to the property owned by Crystal Higgins, and described in Hampshire County Registry of Deeds, book 13604, page 200, with the following conditions:

- 1. A 20' x 36' structure may be constructed for the use and protection of a portable band-saw, associated tools and/or machinery, and lumber materials.**
- 2. It shall be located as represented through statements and drawings presented at the hearing.**
- 3. It shall be a minimum of 100' from the brook that is on the other side of Bush Road.**
- 4. The band-saw is for non-commercial use only and shall not be used for any business purposes.**
- 5. The use of the structure shall not be changed to any other use, i.e. it shall not be converted into a garage, storage area, etc.**
- 6. The structure shall not be enlarged.**
- 7. The property must be brought into, and kept in, compliance with all requirements of the zoning bylaw (i.e. one unregistered vehicle, etc.) before construction may begin.**
- 8. Any future structures built on the property must comply with all of the requirements of the zoning bylaw, including the setback requirement.**

The meeting closed at 7:35pm.

Michael Holden, Clerk

Other Documents

- Exhibit 9: Higgins' drawing & email from Southboro Coon Club
- Exhibit 10: Meeting Notice for November 23rd
- Exhibit 11: Deed (04/20/2020) & Plan (01/19/1983)

Find messages, documents, photos or people

Home

Compose

Inbox 999+

Unread

Starred

Drafts 23

Sent

Archive

Spam

Trash

^ Less

Views

Folders

+ New Folder

Bills 79

Jokes

pay pal receipts 181

processor

reciepts 50

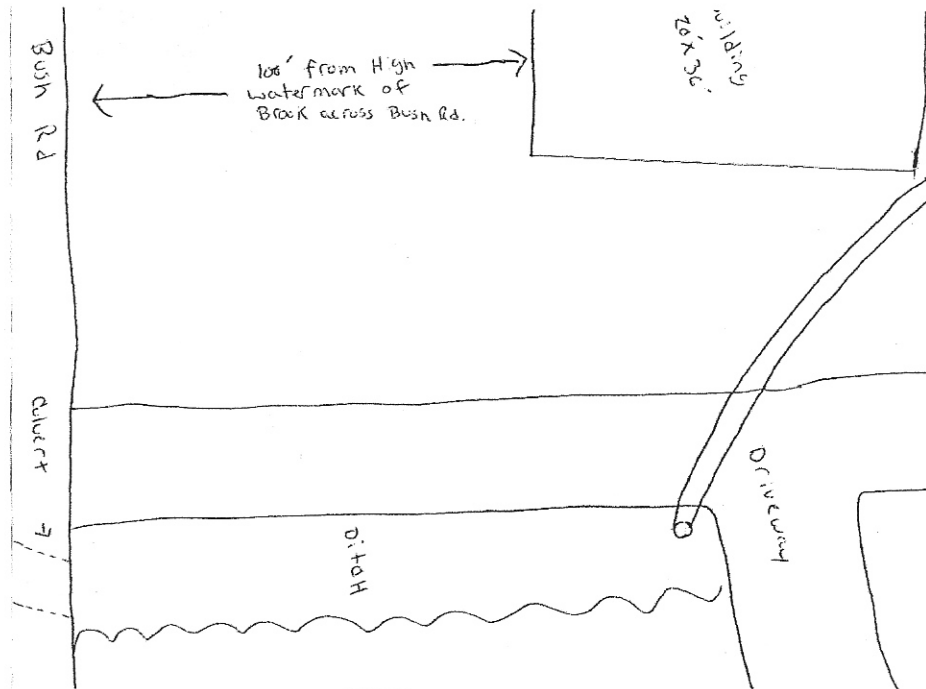
taxes 14

Back Forward Stop Reload



building5.j... .jpeg
480kB

building5.jpeg.jpeg



Sun, Nov 7 at 11:35 AM

B dblrng@charter.net
To: 'Adam Higgins'

Adam
sorry for the delay getting back to you. Left Thurs for wedding in Stowe Vt. The drawing is fine.
This just lets everyone know where the water is going. Good luck Thurs nite.
Have a Happy Thanksgiving!

Bob

From: "Adam Higgins"
To: "dblrng@charter.net"
Cc:
Sent: Friday November 5 2021 5:33:29AM
Subject: Re: October 31st.docx

hope this new drawing has everything you need.
> Show original message

Back Drafts All Envelopes



Town of Cummington

33 Main Street

P.O. Box 128

Cummington, MA 01026

(413) 634-5354 • Fax (413) 634-5568

Zoning Board of Appeals Meeting Notice

The Cummington Zoning Board of Appeals will meet at the Community House, 33 Main Street, on Tuesday November 23, 2021 at 7:00pm to discuss information that has become known subsequent to the Higgins' Hearing that was held on November 10, 2021. The ZBA will discuss this information; the Decision, and; take any other actions related to this matter.

The Meeting is open to the public.

Michael Holden, Clerk
Cummington Zoning Board of Appeals

Hampshire County Registry of Deeds

Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 7298
Document Type	: DEED
Recorded Date	: April 24, 2020
Recorded Time	: 03:24:38 PM
Recorded Book and Page	: 13604 / 200
Number of Pages(including cover sheet)	: 4
Receipt Number	: 358228
Recording Fee (including excise)	: \$177.80

MASSACHUSETTS EXCISE TAX
Hampshire District ROD #13 001
Date: 04/24/2020 03:24 PM
ctrl# 046185 11301 Doc# 00007298
Fee: \$22.80 Cons: \$5,000.00

Hampshire County Registry of Deeds
Mary Olberding, Register
33 King Street
Northampton, MA 01060
413-584-3637
www.Masslandrecords.com

For Registry Use Only

AFFECTED PREMISES:
**0 West Street,
Plainfield MA
And
0 Bush Road
Cummington, MA**

QUITCLAIM DEED

I, WALTER J. ISON, unmarried of Granby, MA

In Consideration of **FIVE THOUSAND and 00/100 (\$5,000.00) DOLLARS;**

Grant to **CRYSTAL HIGGINS**, of 428 Cummington Road, Ashfield, MA 01330;

WITH QUITCLAIM COVENANTS

The Land thereon, in Plainfield and Cummington, Hampshire County, Massachusetts, bounded and described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE**

The Grantor herein releases all rights of homestead he may have in the above referenced premises and attests under the pains and penalties of perjury that he has no other family member entitled to claim a homestead interest in the subject premises.

Executed this 17 day of April, 2020.

Carla M. McQuaney
WITNESS

Walter J. Ison
WALTER J. ISON

COMMONWEALTH OF MASSACHUSETTS

County of Hampshire
ss.

On this 17 day of April, 2020, before me, the undersigned notary public, personally appeared WALTER J. ISON, who proved his identity to me:

 by personal knowledge of signatory for a period of time establishing beyond doubt that the individual has the identity claimed,

 by taking the oath of a credible witness, unaffected by this document or transaction, who has personal knowledge of signatory, said witness being personally known to me,

☒ by satisfactory evidence of photographic identification of signatory, which was his current driver's license,

and swore to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and it was true to the best of his knowledge and belief.

Elizabeth M. Guin

Notary Public:

My commission expires: 9/16/2022



EXHIBIT A

The real estate located in Cummington and Plainfield, Hampshire County, Massachusetts, bounded and described as follows:

Beginning at a point lying on the westerly line of Deer Hill Road at a point adjoining a stone wall (which point is the Northeast corner of the premises hereby conveyed and more particularly delineated on a Plan of Land in Cummington & Plainfield, Massachusetts surveyed for William H. and Delight A. Seaman, dated December 15, 1982 and prepared by Henry C. Neff Associates, Inc.; said plan recorded in the Hampshire County Registry of Deeds in Book of Plans 122, Page 63);

Thence S. 1 00 52 E. one hundred sixty-five and 48/100 (165.48) feet to an iron pin set in the ground;

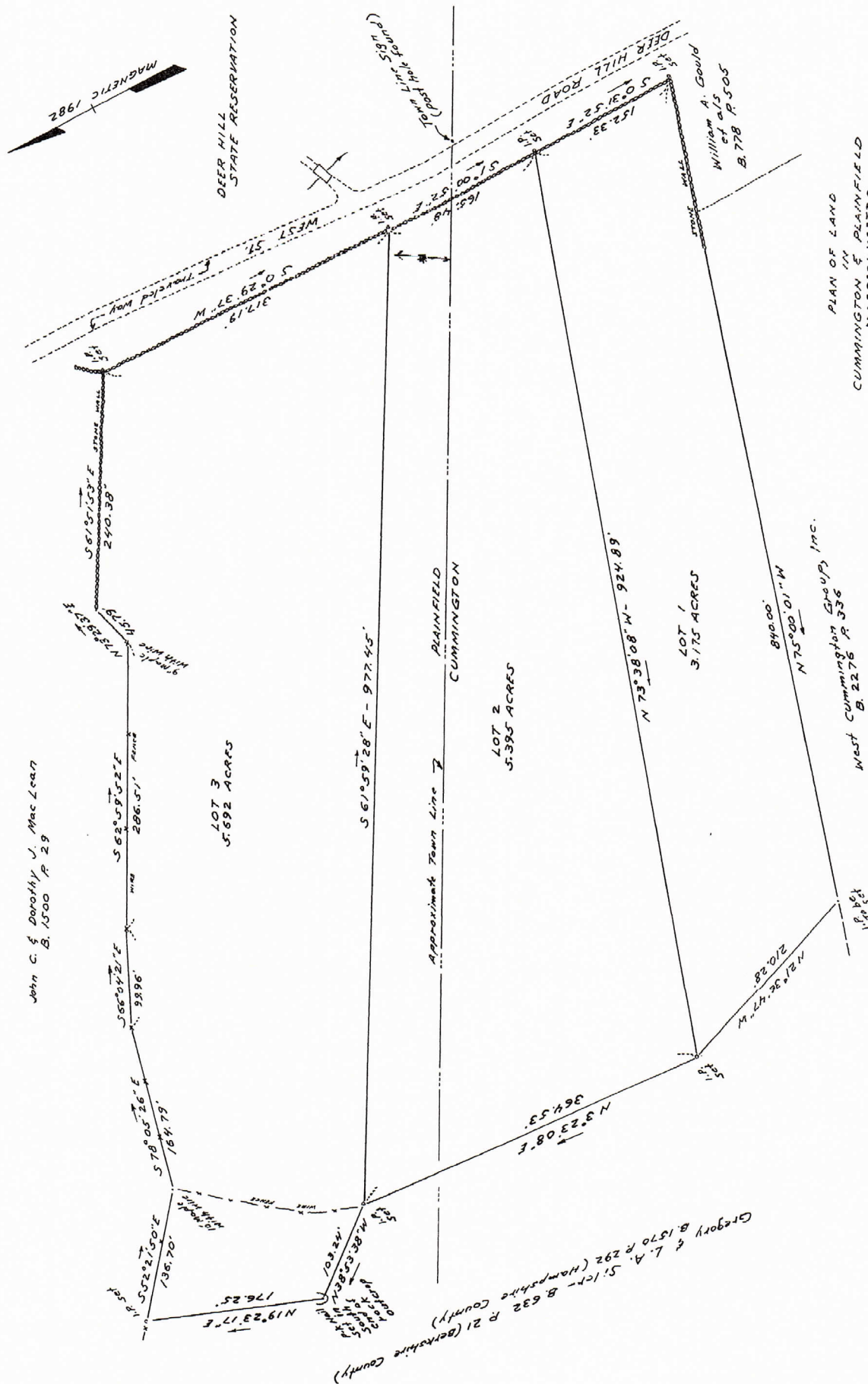
Thence N. 73 38 08 W. nine hundred twenty-four and 89/100 (924.89) feet to an iron pin set in the ground;

Thence N. 3 23 08 E. three hundred sixty-four and 53/100 (364.53) feet to an iron pin set in the ground;

Thence S. 61 59 28 E. nine hundred seventy-seven and 45/100 (977.45) feet to an iron pin set in the ground, being the point and place of beginning.

Meaning and intending to convey and hereby expressly conveying Lot No 2 (two) on the aforesaid plan and containing 5.395 acres of land.

Being all and the same premises as was conveyed to Walter J. Ison by deed of Julie A. Ison dated January 4, 1991 and recorded in the Hampshire County Registry of Deeds in Book 3691, Page 0036.



PLAN OF LAND
IN
CUMMINGTON & PLAINFIELD
MASSACHUSETTS
SURVEYED FOR

WILLIAM H. & DELIGHT A. SEAMAN
SURVEYED FOR
SCALE 1"=50'
DECEMBER 15/1982

HENRY C NEFF ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS
AND CONSULTING FORESTERS
41 PARK ST.
100' 200' 300'

I certify that this plan was prepared in accordance with the rules and regulations of the Registers of Deeds.



Approval under the Subdivision Control Law not required

DATE JANUARY 3rd 1953

*Not a legal building lot in the town of Plainfield

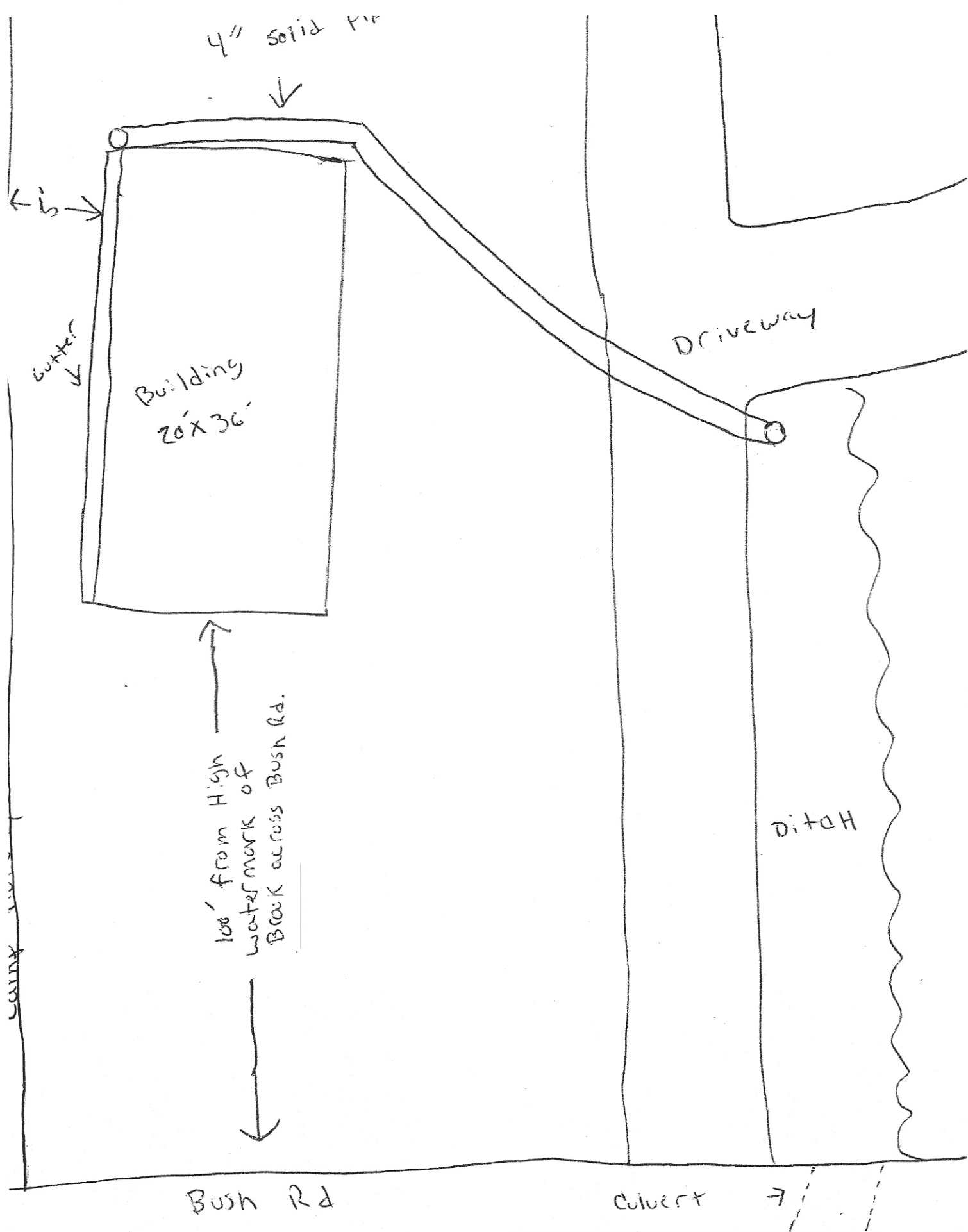
Approval under the Subdivision
Control Law not required

[illegible]

53500

80900

APR 19 1983



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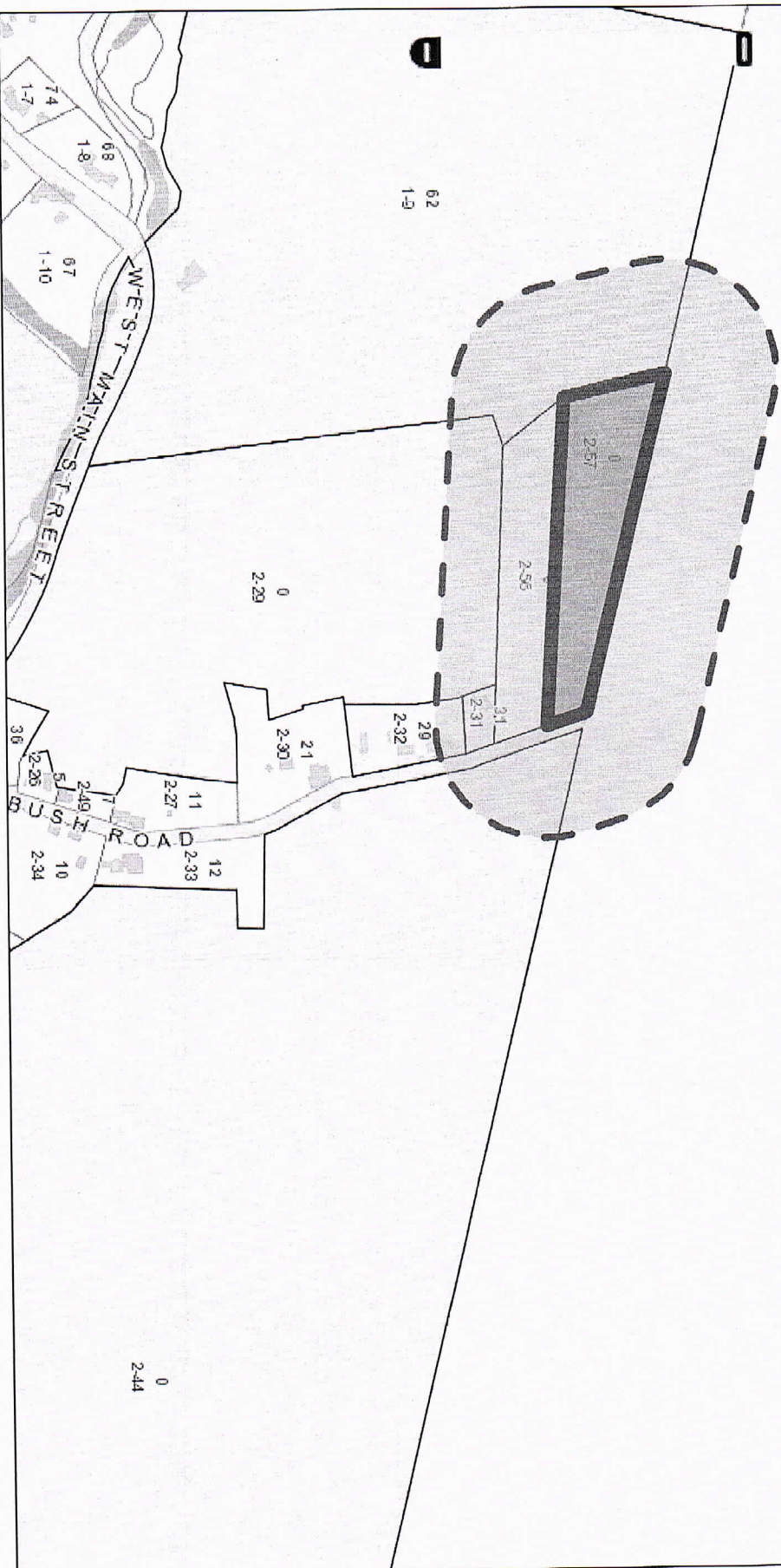
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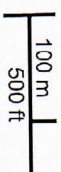
Michael Holden, Clerk




Town of Cummington, Massachusetts

Selected Parcel: 0 BUSH RD ID: 2-57

Printed on 9/2/2021



 **MainStreetMaps**
MainStreetGIS, LLC
www.mainstreetgis.com

This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The Town of Cummington, Massachusetts and MainStreetGIS, LLC assume no legal responsibility for the information contained herein.